



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,316	06/29/2000	WOLFGANG KEUPP	1950/OG777	2015

7590 12/01/2003

CHRISTA HILDEBRAND
DARBY & DARBY
805 THIRD AVENUE
NEW YORK, NY 10022-7513

EXAMINER

WU, DOROTHY

ART UNIT	PAPER NUMBER
----------	--------------

2615

DATE MAILED: 12/01/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/509,316

Applicant(s)

KEUPP ET AL.

Examiner

Dorothy Wu

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Drawings

1. New, formal corrected drawings are required in this application. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

2. Claims 8-14 are objected to because of the following informalities: the claims include reference characters. For example, claim 8 recites the limitation "identification means (EP, CR) for identifying the type (KT1,...KTn) of digital camera." Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 13 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ichikawa, U.S. Patent 5,717,839, included in applicant's Information Disclosure Statement.

Art Unit: 2615

Regarding claim 13, Ichikawa teaches an apparatus for printing an image on printing material (col. 1, lines 7-9), the apparatus including a device (table memory 19) for determining image correction values for printing on printing material an image acquired by a digital camera (col. 7, lines 19-25), with identification means (control unit 13) for identifying the type of the digital camera which acquired the image to be printed (col. 9, lines 38-41); and a control device (control unit 13) for determining the image correction values as a function of the identified type of the digital camera (col. 10, lines 5-11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichikawa, U.S. Patent 5,717,839, included in applicant's Information Disclosure Statement, in view of Burns et al, U.S. Patent 5,617,223.

Regarding claim 8, Ichikawa teaches a device for determining image correction values for printing on printing material an image acquired by a digital camera (col. 8, lines 38-42), with identification means (preamble) for identifying the type of the digital camera which acquired the image to be printed (col. 9, lines 38-41); and a control device (control unit 13) for determining the image correction values as a function of the identified type of the digital camera (col. 10, lines 7-12). Ichikawa does not teach that the identification means are implemented in such a way

Art Unit: 2615

that image data can be evaluated from at least one of the images which is to be printed. Burns does teach that the image data is evaluated to determine the function that shall be used to correct the image (col. 4, lines 52-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the practice of evaluating image information to determine characteristics of the image for selecting a correcting function taught by Burns into the apparatus of Ichikawa to make a device that evaluates image data to identify a type of camera used to capture the image and uses this identification data to select the means for correcting the image. One of ordinary skill would have been motivated to make such a modification to tailor the correction function of the image to the characteristics of the image itself.

Regarding claim 9, Ichikawa teaches that the identification means (preamble) are constructed in such a way that information that includes the type of the digital camera can be captured (col. 6, lines 17-20).

Regarding claim 10, Burns teaches that identification means are constructed in such a way that image data of at least one image to be printed can be evaluated (col. 4, lines 52-57).

Regarding claim 11, Ichikawa teaches that memory device (memory card and table memory 19) for storing several print data sets which include different image correction values for printing the images, wherein different types of digital cameras are associated with the print data sets (col. 6, lines 55-58; col. 7, lines 19-25), and wherein the control device (control unit 13) is designed so that the print data set associated with the identified type of the digital camera can be selected by associating the type of the digital cameras with the print data sets and the image

Art Unit: 2615

correction values of the associated print data set can be determined (col. 9, line 38-col. 10, line 12).

Regarding claim 14, Ichikawa teaches a method for determining image correction values for printing on printing material an image acquired by a digital camera (col. 8, line 38-col. 9, line 4), the method comprising the steps of: identifying the type of the digital camera which acquired the image to be printed (col.9, lines 38-41); and determining the image correction values as a function of the identified type of the digital camera (col. 10, lines 7-12). Ichikawa does not teach that the type of the digital camera is identified by evaluating the image data from at least one of the images which is to be printed. Burns does teach that the type of the digital camera is identified by evaluating the image data from at least one of the images which is to be printed (col. 4, lines 52-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the practice of evaluating image information to determine characteristics of the image for selecting a correcting function taught by Burns into the method of Ichikawa to make a method for determining image correction values that evaluates image data to identify a type of camera used to capture the image and uses this identification data to select the means for correcting the image. One of ordinary skill would have been motivated to make such a modification to tailor the correction function of the image to the characteristics of the image itself.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ichikawa, U.S. Patent 5,717,839, included in applicant's Information Disclosure Statement, in view of Burns et

Art Unit: 2615

al, U.S. Patent 5,617,223, and further in view of Rhoads, U.S. Patent 5,636,292, also included in applicant's Information Disclosure Statement.

Regarding claim 12, Ichikawa in view of Burns teaches the apparatus of claim 1. See above. Ichikawa teaches that information identifying the type of electronic camera is presented in a preamble to an image. Ichikawa in view of Burns do not teach that information identifying the type of the digital camera is hidden in the other captured data by a steganographic method and the identification means can recognize the information in the other captured data using a steganographic method. Rhoads teaches the embedding of information into digital image files through steganography (col. 2, lines 11-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the practice of embedding information through steganography taught by Rhoads in the apparatus of Ichikawa in view of Burns to make an apparatus that selects image correction values in accordance with information about the image embedded in the image through steganography. One of ordinary skill would have been motivated to make such a modification to embed information about the type of digital camera into the image data such that the information is unavailable to other users.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dorothy Wu whose telephone number is 703-305-8412. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-7644.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

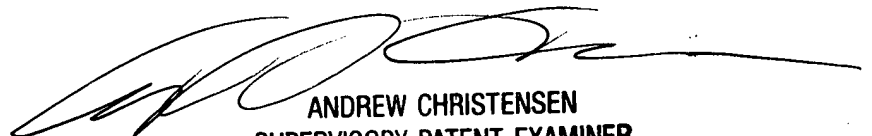
Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703)306-0377.

Dorothy Wu
DW
November 25, 2003


ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600